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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,926	11/18/2003	Ned A. Kaled	H0005531--1030	6403

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HONEYWELL INTERNATIONAL, INC.
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Morristown, NJ 07962-9806

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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04/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,926	Applicant(s) KALED, NED A.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Responsive to Amendment filed January 9, 2008. Claims 1, and 10 were amended. Claim 2 was canceled. Claims 1, 3-20 remain pending.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues in substance:

Argument A: *There is nothing in Salvo that even hints that the receptacles could comprise a combination of any type of primary bin coupled to any type of reserve bin and that such a distinction is not merely an obvious modification of Salvo reference.*

In response, the Examiner respectfully disagrees. Fig 1 as well as column 4, line 59-column 5 line 10 discuss on-site storage areas which contain inventory used in the process described in column 4, lines 12-45. The inventory in these storage areas are clearly understood as "reserve" inventory, which have not yet been used or moved into receptacles 104 for delivery to material processor 102. Salvo et al teach that other methods to determine the amount of inventory can be used (**column 4, lines 35-45**), but are silent on monitoring *when a reserve bin is accessed to replenish a primary bin*. It would have been obvious to one of ordinary skill in the art at to modify Salvo et al to include a reserve receptacle in communication with each receptacle because doing so would allow for an immediate replenishment of inventory when inventory in the receptacle has depleted.

Furthermore, the claimed subject matter likely would have been obvious under KSR, which forecloses the argument that a **specific** teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396)

Argument B: *Transfer from one bin to another is clearly an event while an amount is just an indication of quantity and is not equivalent in any sense. Applicant submits that "monitoring for*

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when a reserve bin is accessed to replenish a primary bin is not an obvious modification of "providing signals indicative of an inventory amount".

In response, the Examiner respectfully disagrees. Both features are used to indicate inventory levels and a need for replenishment of inventory. Their functionalities are similar and therefore the modification of Salvo et al would have been obvious to one of ordinary skill in order to monitor when a reserve bin/(receptacle) is accessed because doing so would provide notification that the inventory in the receptacle has depleted.

Furthermore, the claimed subject matter likely would have been obvious under KSR, which forecloses the argument that a **specific** teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo et al (US Patent No. 6,341,271).

4. As per claim 1, Salvo et al teach an inventory replenishment notification system, the notification system comprising:

a plurality of bin monitors, each of the plurality of bin monitors including a sensor and a transmitter (**column 4, lines 12-63; inventory is stored in receptacles 104, each receptacles comprise an amount indicator that sends inventory signals to site controller 112**), the sensor

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monitoring for *inventory amount*, the transmitter sending bin replenishment information to an inventory control system (**column 4, lines 59-60, column 5, lines 1-10; indicators send signals to site controller**).

wherein each of the plurality of bin monitors corresponds to one of a plurality of inventory storage devices and wherein each of the plurality of inventory storage devices wherein each of the plurality of bin monitors corresponds to one of a plurality of inventory storage devices and wherein each of the plurality of inventory storage devices includes a primary bin (**column 4, lines 12-20, fig 1 (104)**). (**column 4, lines 12-20, fig 1**).

Although Salvo et al teach that other methods to determine the amount of inventory can be used (**column 4, lines 35-45**), but are silent on monitoring *when a reserve bin is accessed to replenish a primary bin*. However, it would have been obvious to one of ordinary skill in the art at to modify Salvo et al to include a reserve receptacle in communication with each receptacle because doing so would allow for an immediate replenishment of inventory when inventory in the receptacle has depleted . It would have also been obvious to one of ordinary skill in the art to modify Salvo et al to monitor when a reserve bin/(receptacle) is accessed because doing so would provide notification that the inventory in the receptacle has depleted.

5. As per claim 3, Salvo et al teach wherein the transmitter comprises a wireless transmitter (**column 5, lines 10-20**).

6. As per claim 4, Salvo et al fail to teach wherein the bin monitor is powered by a battery. However, the use and advantage of battery power is extremely well known. It would have been obvious to one of ordinary skill in the art to use battery power because it would provide portability to the bin monitor.

7. As per claim 5, Salvo et al teach wherein the transmitter comprises a wireless transmitter that transmits to a relay transmitter (**column 5, lines 39-45**).

8. As per claim 6, Salvo et al teach wherein the relay transmitter comprises a wireless receiver and transmitter that receives the bin replenishment information and transmits it to the inventory control system (**column 4, lines 31-45, column 4, line 20; column 5, lines 39-45**).

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9. As per claim 7, Salvo et al fail to teach wherein the relay transmitter is battery powered.

However, the use and advantage of battery power is extremely well known. It would have been obvious to one of ordinary skill in the art to use battery power because it would provide portability to the relay transmitter.

10. As per claim 8, Salvo et al teach wherein the inventory replenishment system automates ordering of new inventory when the bin replenishment information is received (**abstract, column 3, lines 8-22; automated order based on inventory information**).

11. As per claim 9, Salvo et al teach wherein each of the bin monitors includes a data field identifying a component type stored in the corresponding primary bin (**column 4, lines 12-18, column 28-46; different types of inventory**).

12. As per claim 16, Salvo et al teach wherein the step of transmitting bin replenishment information to the inventory control system comprises transmitting through a wireless transmission to a relay transmitter and re-transmitting from the relay transmitter to the inventory control system (**fig 1, column 5, lines 1-30; information is transmitted to site controller 112 and then to control unit 114**).

13. As per claims 10-15 and 17-20, contain similar limitations as claims 1-9 above and are therefore rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
April 2, 2008
/R. R./
Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627